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EXAMINER
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BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
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2176

NOTIFICATION DATE	DELIVERY MODE
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10/07/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,648	<b>Applicant(s)</b> RAHMAN ET AL.	
	<b>Examiner</b> James H. Blackwell	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/27/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Specification***

MPEP 608.01(b) states: "A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains." The Abstract of the disclosure is objected to because it does not mention that portion of the invention that Applicant believes is new in the art.

Additionally, 37 C.F.R. 1.72(b) states: "The sheet or sheets presenting the abstract may not include other parts of the application or other material." The examiner notes that the Abstract includes substantially the same language as Claims 1 and 25, which are "other parts of the application."

Finally, 37 C.F.R. 1.72(b) states: "The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure." The Abstract fails to quickly convey the nature and gist of the technical disclosure via a cursory inspection because the language used in the Abstract is very ambiguous and provides no specific detail concerning the functionality of the present invention (i.e., the functionality of the computer software). Conversely, for example, the following language would make the nature and gist of the technical disclosure clear via a cursory inspection:

The computer software incorporates a Flash movie  
into a media playlist for playback in Windows Media  
Player, pre-loads the Flash movie while another

media file is currently being played, prevents the pre-loaded Flash movie from automatically interrupting the other media file that is currently being played, automatically and sequentially plays the Flash movie once the other media file has completed playback, provides a Windows Media Player wrapper that automatically stops the Flash movie once it has completed playback, and automatically and sequentially plays the next media file in the playlist after the Flash movie has completed playback.

Applicant must amend the Abstract to comply with MPEP 608.01(b) and 37 C.F.R. 1.72(b).

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following components of the present invention that are recited in the claims must either be shown or canceled from the claims:

- the “*interface of a host application with a control operable to play the interactive media segment*” recited in Claim 11 (see Lines 4-5); and
- the “*user interface*” recited in Claim 22 (see Line 5).

No new matter should be entered.

The examiner notes that something identified as a “user interface” is illustrated in Figure 1 (see element 104). However, Figure 1 is a simple block diagram illustrating exemplary architecture, and this illustration provides no details of the GUIs claimed in Claims 11 and 22.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 13 is objected to because of the following informalities:

- The term “ASX” in Line 1 should be amended to — Active Streaming XML — because the concept represented by the acronym should be spelled out completely in its initial use.

Claim 27 is objected to because of the following informalities:

- The phrase “*a playlist having one or more references to media segments to be played in sequential order*” in Lines 1-2 should be amended to — a playlist having ~~[[one ]]~~two or more references to media segments to be played in sequential order — because, to have a “*sequential order*” of “*media segments*,” one must have at least **two** “*media segments*.”

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 25-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

*Claims 25-30:*

In summary, Claim 25 recites a “*system*” that comprises a “*media control*” and a “*host application*.” Although the Specification of the present application fails to expressly indicate whether the recited elements are computer **hardware** components or computer **software** component, one of ordinary skill in the art would interpret them as being software. Likewise, for purposes of examination, the examiner will interpret each of these elements as computer **software** elements. Thus, the recited “*system*” is software per se.

Accordingly, the “*system*” is not a “process,” a “machine,” a “manufacture” or a “composition of matter,” and Claim 8 fails to recite statutory subject matter, as defined in 35 U.S.C. 101.

Claims 26-30 merely recite either electronic data, other software components or functions performed by software. Thus, Claims 26-30 do not further define the recited “*system*” as being within a statutory process, machine, manufacture or composition of matter.

Accordingly, Claims 26-30 fail to recite statutory subject matter as defined in 35 U.S.C. 101.

***Examiner's Comments Concerning the Claims 22-24 and 35 USC § 101***

Claims 22-24 recite a “*computer-readable medium*” comprising instructions that perform a method (see Claim 22, Lines 1-2).

The Specification (at Page 6, Lines 4-10) of the present invention expressly states:

“It is to be understood and appreciated that the subject matter described herein includes not only devices and/or systems when programmed to perform the acts described below, but the software that is configured to program the microcontrollers and, additionally, **any and all computer-readable media on which such software might be embodied.**

Examples of such computer-readable media include, **without limitation**, floppy disks, hard disks, CDs, RAM, ROM, flash memory and the like.” (emphasis added)

Thus, the Specification is somewhat ambiguous regarding the exact scope of the recited “*computer-readable medium*” of Claim 22. For purposes of examination, the examiner interprets the “*computer-readable medium*” to be computer **hardware**



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components. If the recited “*computer-readable medium*” is intended to include anything that is **not** a computer **hardware** component, then Applicant should expressly state that in the Response to this Office Action. In that instance, Claims 22-24 will be interpreted as being non-statutory and rejections under 35 U.S.C. 101 will be forthcoming.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

#### ***Claims 22-24:***

Claims 22-24 contain the trademark/trade name FLASH. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

In the present case, the trademark/trade name is used to identify/describe a media file and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art (hereinafter, "Admission").

***Claim 1:***

Admission discloses *a method comprising:*

- *receiving a playlist referencing a first media segment and a second media segment* (see Specification - Page 1, Lines 8-10; Page 2, Lines 4-10; and Page 2, Lines 16-20 → Admission discloses this limitation in that it teaches a playlist that includes video, audio, text, animation data and Flash movies), *the second media segment operable to play automatically without a prompt after being loaded* (see Specification - Page 2, Lines 4-10 → Admission discloses this limitation in that it teaches Flash movies);
- *presenting the first media segment* (see Specification - Page 1, Lines 20-21; and Page 2, Lines 20-23 → Admission discloses this limitation in that it teaches playing a current media segment); *and*
- *prerolling the second media segment* (see Specification - Page 1, Line 18 through Page 2, Line 3; and Page 2, Lines 16-23 → Admission discloses this limitation in that it teaches a playlist of various media segments, including Flash

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movies, and prerolling a subsequent media segment, including a Flash movie, while a “current” media segment is playing. Admission expressly teaches the continuous and unprompted nature of Flash movies renders the playlist “ineffective” because the Flash movie begins playing after it is loaded. Thus, Admission teaches prerolling the Flash movie.).

*Claim 7:*

Admission discloses *a method as recited in claim 1 wherein the second media segment comprises an interactive media segment* (see Specification - Page 2, Lines 4-10 → Admission discloses this limitation in that it includes Flash movies, which accept user input).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2, 3, 5 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admission, in view of Harrington, U.S. Patent Application Publication No. US 2002/0156909 (hereinafter, “Harrington #1”).

*Claim 2:*

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As indicated in the above discussion, Admission discloses every limitation of Claim 1.

Admission also discloses *a method as recited in claim 1 wherein prerolling the second media segment comprises:*

- *loading at least a predetermined minimum portion of the second media segment before the presenting of the first media segment is complete* (see Specification - Page 1, Line 18 through Page 2, Line 3 → Admission discloses this limitation in that it teaches completely loading an upcoming media segment while the current media segment is playing and having the completely loaded upcoming media segment ready to play after the current media segment has finished playing).

Admission fails to expressly disclose:

- *postponing presenting of the second media segment.*

Harrington #1 teaches *a method comprising prerolling a second media segment* (see Page 1, Paragraph 0002; see Page 7, Paragraph 0007 → Harrington teaches this limitation in that the system prefetches a Flash movie for later playback), *wherein prerolling the second media segment comprises:*

- *postponing presenting of the second media segment* (see Page 1, Paragraph 0002; see Page 7, Paragraph 0007 → Harrington #1 teaches this limitation in that the system does not immediately playback the prefetched Flash movie), for the purpose of controlling a Flash movie (see Page 1, Paragraph 0002).

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Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, to include:

- *postponing presenting of the second media segment,*

for the purpose of controlling a Flash movie, as taught in Harrington #1.

*Claim 3:*

Admission fails to expressly disclose that *the postponing playback comprises:*

- *issuing a stop command to a control.*

Harrington #1 teaches that *the postponing playback comprises:*

- *issuing a stop command to a control* (see Page 1, Paragraph 0002; see Page 7, Paragraph 0007 → Harrington #1 teaches this limitation in that the system does not immediately playback the prefetched Flash movie after it is loaded),

for the purpose of controlling a Flash movie (see Page 1, Paragraph 0002).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, to include:

- *issuing a stop command to a control,*

for the purpose of controlling a Flash movie, as taught in Harrington #1.

*Claim 5:*

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As indicated in the above discussion, Admission, in view of Harrington #1, discloses/teaches every limitation of Claim 2. The examiner notes that, in Harrington #1, the prefetched Flash movie is fully loaded and ready for playback.

Additionally, Admission teaches:

- *receiving an event indicating that the presenting of the first media segment is finished* (see Page 1, Line 18 through Page 2, Line 3 → Admission discloses this limitation in that it teaches receiving messages that prerolling is complete and the current media segment has finished playing); *and*
- *in response to receiving the event, starting presentation of the second media segment* (see Page 1, Line 18 through Page 2, Line 3 → Admission discloses this limitation in that it teaches the prerolled media segment is prompted to begin playing after receiving the messages. The examiner notes that the “prerolled” media segment” in Admission is the equivalent of the “prefetched Flash movie” in Harrington #1.).

*Claim 25:*

Admission discloses *a system comprising:*

- *a media control operable to begin playing a media segment automatically after buffering the media segment* (see Specification - Page 1, Line 8 through Page 2, Line 23 → Admission discloses this limitation in that it teaches prerolling a Flash movie and automatically beginning playback after the Flash movie is loaded).

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Admission fails to expressly disclose:

- *a host application operable to receive a reference to the media segment, initialize the media control with the media segment, and cause the media control to postpone playing of the media segment after the media segment is buffered.*

Harrington #1 teaches that *the postponing playback comprises:*

- *a host application operable to receive a reference to the media segment, initialize the media control with the media segment, and cause the media control to postpone playing of the media segment after the media segment is buffered (see Page 1, Paragraph 0002; see Page 7, Paragraph 0007 → Harrington #1 teaches this limitation in that the system does not immediately playback the prefetched Flash movie after it is loaded), for the purpose of controlling a Flash movie (see Page 1, Paragraph 0002).*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, to include:

- *a host application operable to receive a reference to the media segment, initialize the media control with the media segment, and cause the media control to postpone playing of the media segment after the media segment is buffered, for the purpose of controlling a Flash movie, as taught in Harrington #1.*

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*Claim 26*

Admission discloses:

- *an events wrapper operable to receive an end of buffer notification from the media control* (see Specification - Page 1, Line 8 through Page 2, Line 23 → Admission discloses this limitation in that it teaches completely loading a Flash movie while a current media segment is being played, and, upon completion, starting the playback of the Flash movie. The examiner notes that Claim 18 does not include a limitation that halts playback of the Flash movie.) *and issue a corresponding end of buffering notification to the host application* (see Specification - Page 1, Line 8 through Page 2, Line 23 → Admission discloses this limitation in that it teaches that the media player begins to playback the Flash movie after it is completely loaded).

*Claim 27*

Admission discloses:

- *a playlist having one or more references to media segments to be played in sequential order* (see Specification - Page 1, Lines 8-17 → Admission discloses this limitation in that it teaches sequentially playing media segments in a playlist).

Claim 4 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admission, in view of Harrington #1, and further in view of Harrington, U.S. Patent Application Publication No. US 2003/0145338 (hereinafter, "Harrington #2").



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*Claim 4:*

As indicated in the above discussion, Admission, in view of Harrington #1, disclose/teach every limitation of Claim 2.

Admission, in view of Harrington #1, fails to expressly disclose/teach that *the postponing playback comprises:*

- *stopping a timer associated with presenting the second media segment.*

Harrington #2 teaches that *the postponing playback comprises:*

- *stopping a timer associated with presenting the second media segment (see Page 1, Paragraph 0002; see Page 11, Paragraph 0087 → Harrington #2 teaches this limitation in that the system controls a Flash movie and includes a Timer/Frame Counter layer that stops the associated time/frame counter when the Flash movie is paused),*

for the purpose of controlling a Flash movie (see Page 11, Paragraph 0086).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, in view of Harrington #1, to include:

- *stopping a timer associated with presenting the second media segment,*

for the purpose of controlling a Flash movie, as taught in Harrington #2.

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*Claim 30:*

As indicated in the above discussion, Admission, in view of Harrington #1, disclose/teach every limitation of Claim 25.

Admission, in view of Harrington #1, fails to expressly disclose/teach that *the postponing playback comprises:*

- *[that] the playing of the media segment is postponed at least in part by stopping a timer that sends timer ticks to the media control for advancing playing of the media segment.*

Harrington #2 teaches:

- *[that] the playing of the media segment is postponed at least in part by stopping a timer that sends timer ticks to the media control for advancing playing of the media segment (see Page 1, Paragraph 0002; see Page 11, Paragraph 0087 → Harrington #2 teaches this limitation in that the system controls a Flash movie and includes a Timer/Frame Counter layer that stops the associated time/frame counter when the Flash movie is paused), for the purpose of controlling a Flash movie (see Page 11, Paragraph 0086).*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, in view of Harrington #1, to include:

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- *[that] the playing of the media segment is postponed at least in part by stopping a timer that sends timer ticks to the media control for advancing playing of the media segment, for the purpose of controlling a Flash movie, as taught in Harrington #2.*

Claim 6 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Admission, in view of Harrington #1, and further in view of Craft, U.S. Patent No. 6,272,566 (hereinafter, "Craft").

*Claim 6:*

As indicated in the above discussion, Admission, in view of Harrington #1, discloses/teaches every limitation of Claim 2.

Admission, in view of Harrington #1, fails to expressly disclose/teach:

- *receiving a loading complete event indicating that the second media segment has been completely loaded; and*
- *in response to receiving the loading complete event, prerolling a third media segment.*

Craft teaches:

- *receiving a loading complete event indicating that a second media segment has been completely loaded (see Column 4, Line 54 through Column 6, Line 11 →*

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Craft teaches this limitation in that the buffering system fetches and buffers media assets sequentially); *and*

- *in response to receiving the loading complete event, prerolling a third media segment* (see Column 4, Line 54 through Column 6, Line 11 → Craft teaches this limitation in that the buffering system fetches and buffers media assets sequentially),

for the purpose of thereby prioritizing the buffering of media assets and preventing data underflow to the media player (see Column 4, Line 54 through Column 6, Line 11).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, in view of Harrington #1, to include:

- *receiving a loading complete event indicating that the second media segment has been completely loaded; and*
- *in response to receiving the loading complete event, prerolling a third media segment*, for the purpose of thereby prioritizing the buffering of media assets and preventing data underflow to the media player, as taught in Craft.

Claims 10, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admission, in view of Harrington #1, and further in view of **Flash MX Tutorials**, Macromedia, Inc. Publishing (February 2002), Pages 36, 43, 44 and 66-69 (hereinafter, "Flash MX").

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*Claim 10:*

As indicated in the above discussion, Admission, in view of Harrington #1, discloses/teaches every limitation of Claim 5.

Admission, in view of Harrington #1, fails to expressly disclose/teach:

- *receiving an end of playback event from the second media segment.*

Flash MX teaches:

- *receiving an end of playback event from the second media segment* (see Pages 66-69 → Flash MX teaches this limitation in that ActionScript allows a user to place a Stop Command and/or an If Command in a Flash movie, either of which is capable of stopping the Flash movie if a particular condition is met), for the purpose of controlling a Flash movie (see Pages 66-69).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Admission, to include:

- *receiving an end of playback event from the second media segment*, for the purpose of controlling a Flash movie, as taught in Flash MX.

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*Claim 28:*

As indicated in the above discussion, Admission, in view of Harrington #1, discloses/teaches every limitation of Claim 27.

Admission, in view of Harrington #1, fails to expressly disclose/teach:

- *at least one of the referenced media segments comprises mixed media.*

Flash MX teaches:

- *at least one of the referenced media segments comprises mixed media* (see Page 36 → Flash MX teaches this limitation in that ActionScript allows a user to place a LoadVariables Command in a Flash movie, which causes dynamic text to be incorporated into the Flash movie during runtime), for the purpose of allowing the editing of individual elements that make up the Flash movie rather than editing the Flash movie itself (see Page 36).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed/taught in Admission, in view of Harrington #1, to include:

- *at least one of the referenced media segments comprises mixed media*, for the purpose of allowing the editing of individual elements that make up the Flash movie rather than editing the Flash movie itself, as taught in Flash MX.

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Claim 29:

Admission, in view of Harrington #1, fails to expressly disclose/teach:

- *[that] the playlist comprises an event name associated with an event media segment to be played when a referenced media segment issues an event having the event name.*

Flash MX teaches:

- *[that] the playlist comprises an event name associated with an event media segment to be played when a referenced media segment issues an event having the event name (see Pages 36, 43, 44 and 66-69 → Flash MX teaches this limitation in that ActionScript allows a user to add various actions and functionality to parts of Flash movies), for the purpose of controlling the progression of Flash movies more precisely and creating commands in Flash movies (see Pages 66-69).*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, to include:

- *[that] the playlist comprises an event name associated with an event media segment to be played when a referenced media segment issues an event having the event name, for the purpose of controlling a Flash movie, as taught in Flash MX.*

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Claims 8, 9, 11, 12, 14-19, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admission, in view of Flash MX.

*Claim 8:*

As indicated in the above discussion, Admission discloses every limitation of Claim 1.

Admission fails to expressly disclose that *the second media segment is further operable to issue a custom event*.

Flash MX teaches:

- *a second media segment [that] is further operable to issue a custom event* (see Pages 36, 43, 44 and 66-69 → Flash MX teaches this limitation in that ActionScript allows a user to add various actions and functionality to parts of Flash movies), for the purpose of controlling the progression of Flash movies more precisely and creating commands in Flash movies (see Pages 66-69).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, to include:

- *the second media segment [being] further operable to issue a custom event*, for the purpose of controlling a Flash movie, as taught in Flash MX.



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*Claim 9:*

Admission fails to expressly disclose that *the custom event references a third media segment to be played in response to the custom event.*

Flash MX teaches:

- *the custom event references a third media segment to be played in response to the custom event* (see Pages 36, 43, 44 and 66-69 → Flash MX teaches this limitation in that ActionScript allows a user to design a Flash movie to include an action involving external media), for the purpose of allowing the editing of individual elements that make up the Flash movie rather than editing the Flash movie itself (see Page 36).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, to include:

- *[a] custom event [that] references a third media segment to be played in response to the custom event*, for the purpose of allowing the editing of individual elements that make up the Flash movie rather than editing the Flash movie itself, as taught in Flash MX.

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*Claim 11:*

Admission discloses *a method comprising:*

- *parsing a playlist having at least one reference to an interactive media segment operable to play continuously* (see Specification - Page 2, Lines 4-10; and Page 2, Lines 16-20 → Admission discloses this limitation in that it teaches a playlist that includes a Flash movie, which includes scenes that are to be played repeatedly and accepts user input);
- *playing the interactive media segment in an interface of a host application with a control operable to play the interactive media segment* (see Specification - Page 2, Lines 4-10; and Page 2, Lines 16-20 → Admission discloses this limitation in that it teaches media players playing a Flash movie).

Admission fails to expressly disclose:

- *receiving a media segment event from the control indicating that the playing of the interactive media segment has finished.*

Flash MX teaches:

- *receiving a media segment event from the control indicating that the playing of the interactive media segment has finished* (see Pages 66-69 → Flash MX teaches this limitation in that ActionScript allows a user to place a Stop Command and/or an If Command in a Flash movie, either of which is capable of

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stopping the Flash movie if a particular condition is met), for the purpose of controlling a Flash movie (see Pages 66-69).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Admission, to include:

- *receiving a media segment event from the control indicating that the playing of the interactive media segment has finished*, for the purpose of controlling a Flash movie, as taught in Flash MX.

*Claim 12:*

Admission discloses *a method comprising:*

- *playing s subsequent media segment referenced by a subsequent reference in the playlist* (see Specification - Page 1, Lines 8-17 → Admission discloses this limitation in that it teaches sequencing through media segments in a playlist).

Admission fails to expressly disclose:

- *stopping playback of the interactive media segment.*

Flash MX teaches:

- *stopping playback of the interactive media segment* (see Pages 66-69 → Flash MX teaches this limitation in that ActionScript allows a user to place a Stop

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Command and/or an If Command in a Flash movie, either of which is capable of stopping the Flash movie if a particular condition is met), for the purpose of controlling a Flash movie (see Pages 66-69).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Admission, to include:

- *stopping playback of the interactive media segment*, for the purpose of controlling a Flash movie, as taught in Flash MX.

*Claim 14:*

Admission discloses:

- *issuing to the host application a host-recognized event corresponding to the media segment event* (see Specification - Page 1, Lines 8-17 → Admission discloses this limitation in that it teaches sequencing through media segments in a playlist. The examiner notes that the “*media segment event*” recited in Claim 11 corresponds to an “EndOfPlayback” event for any video, audio or animation file. The only difference between the “*media segment event*” of Claim 11 and an “EndOfPlayback” event for any video, audio or animation file is that the “*media segment event*” of Claim 11 is an “EndOfPlayback” event for a Flash movie. Whether an “EndOfPlayback” event is for a Flash movie or any typical video,

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audio or animation file, the end result is the same - the software component receiving the "EndOfPlayback" event now knows that the associated file has finished playback.).

*Claim 15:*

Admission discloses:

- *[that] the media segment event comprises an EndOfPlayback event and the host-recognized event comprises a WMPEndOfPlayback event (see Specification - Page 1, Lines 8-17 → Admission discloses this limitation in that it teaches Windows Media Player sequencing through media segments in a playlist).*

*Claim 16:*

This claim corresponds to the subject matter recited in Claim 8. Thus, as indicated in the above discussion, Admission, in view of Flash MX, discloses/teaches every limitation of Claim 16.

*Claim 17:*

This claim corresponds to the subject matter recited in Claim 1. Thus, as indicated in the above discussion, Admission, in view of Flash MX, discloses/teaches every limitation of Claim 17. The examiner notes that Claim 17 does not include postponing playback of the interactive media segment.

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*Claim 18*

Admission discloses:

- *receiving a buffer progress indication from the control, the buffer progress indication indicating that a predetermined minimum portion of the interactive media segment has been buffered* (see Specification - Page 1, Line 8 through Page 2, Line 23 → Admission discloses this limitation in that it teaches completely loading a Flash movie while a current media segment is being played, and, upon completion, starting the playback of the Flash movie. The examiner notes that Claim 18 does not include a limitation that halts playback of the Flash movie.);
- *issuing an EndOfBuffering event to the host application* (see Specification - Page 1, Line 8 through Page 2, Line 23 → Admission discloses this limitation in that it teaches that the media player begins to playback the Flash movie after it is completely loaded).

*Claim 19:*

Admission discloses:

- *[that] the predetermined minimum portion is 100% of the interactive media segment* (as indicated in the rejection for Claim 18, Admission discloses this limitation).

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*Claim 22:*

*Admission discloses a computer-readable medium comprising computer-executable instructions to perform a method comprising:*

- *instantiating an events wrapper associated with a Flash® media segment (see Specification - Page 1, Lines 8-17; Page 2, Lines 4-10; and Page 2, Lines 16-20 → Admission discloses this limitation in that it teaches parsing a playlist that includes video, audio, text, animation data and/or Flash movies and starting playback of a Flash movie);*
- *initializing a control operable to playback the Flash® media segment (see Specification - Page 2, Lines 4-10; and Page 2, Lines 16-20 → Admission discloses this limitation in that it teaches media players playing a Flash movie);*  
*and*
- *hosting the control in a portion of a user interface (see Specification - Page 2, Lines 4-10; and Page 2, Lines 16-20 → Admission discloses this limitation in that it teaches media players playing a Flash movie).*

*Admission fails to expressly disclose:*

- *receiving notification from the control when the Flash® media segment has completed playback.*

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Flash MX teaches:

- *receiving notification from the control when the Flash® media segment has completed playback* (see Pages 66-69 → Flash MX teaches this limitation in that ActionScript allows a user to place a Stop Command and/or an If Command in a Flash movie, either of which is capable of stopping the Flash movie if a particular condition is met), for the purpose of controlling a Flash movie (see Pages 66-69),

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the computer-readable medium, disclosed in Admission, to include:

- *receiving notification from the control when the Flash® media segment has completed playback*, for the purpose of controlling a Flash movie, as taught in Flash MX.

*Claim 24:*

Admission, in view of Flash MX, discloses/teaches:

- *playing a later media segment after receiving the notification that the Flash® media segment has completed playback* (as indicated in the above discussion, including the rejections for Claims 11, 12, 14 and 15, Admission, in view of Flash MX, discloses/teaches these limitations).



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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admission, in view of Flash MX, and further in view of Holtz et al., U.S. Patent No. 6,760,916 (hereinafter, "Holtz").

*Claim 13:*

As indicated in the above discussion, Admission, in view of Flash MX, discloses/teaches every limitation of Claim 13.

Admission, in view of Flash MX, fails to expressly disclose/teach:

- *the playlist comprises an ASX file.*

Holtz expressly teaches:

- *[a] playlist [that] comprises an ASX file* (see Column 9, Lines 4-20 → Holtz teaches this limitation in that the system processes an ASX play list), for the purpose of allowing an individual to view a real time media production (see Column 49-50).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed/taught in Admission, in view of Flash MX, to include:

- *the playlist comprises an ASX file*, for the purpose of allowing an individual to view a real time media production, as taught in Holtz.

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Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admission, in view of Flash MX, and further in view of Craft.

*Claim 20:*

As indicated in the above discussion, Admission, in view of Flash MX, discloses/teaches every limitation of Claim 18.

Admission, in view of Flash MX, fails to expressly disclose/teach:

- *[that] the predetermined minimum portion is less than 100% of the interactive media segment.*

Craft teaches:

- *[that] the predetermined minimum portion is less than 100% of the interactive media segment* (see Column 4, Line 54 through Column 6, Line 11 → Craft teaches this limitation in that the buffering system fetches and buffers only the amount of sequential media assets to sufficiently cover data underflow to the media player), for the purpose of preventing data underflow to the media player (see Column 4, Line 54 through Column 6, Line 11).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed/taught in Admission, in view of Flash MX, to include:

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- *[a] predetermined minimum portion [that] is less than 100% of the interactive media segment*, for the purpose of preventing data underflow to the media player, as taught in Craft.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admission, in view of Flash MX, and further in view of Wiser et al., U.S. Patent No. 6,385,596 (hereinafter, "Wiser").

*Claim 21:*

As indicated in the above discussion, Admission, in view of Flash MX, discloses/teaches every limitation of Claim 18.

Admission also discloses:

- *receiving a buffer complete indicator from the control indicating that 100% of the interactive media segment has been buffered* (as indicated in the rejection for Claim 18, Admission discloses this limitation).

Admission, in view of Flash MX, fails to expressly disclose/teach:

- *issuing an EndOfStreaming event to the host application.*

Wiser teaches:

- *issuing an EndOfStreaming event to [a] host application* (see Column 15, Line 56 through Column 16, Line 25 → Wiser teaches this limitation in that the content manager of the media player is notified when streaming is complete, whereby the

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stream is released), for the purpose of controlling the streaming of media files when the media files are being distributed over the Internet (see Column 5, Lines 43-46).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed/taught in Admission, in view of Flash MX, to include:

- *issuing an EndOfStreaming event to [a] host application, for the purpose of controlling the streaming of media files when the media files are being distributed over the Internet, as taught in Wiser.*

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admission, in view of Flash MX, and further in view of Harrington #1.

*Claim 23:*

As indicated in the above discussion, Admission, in view of Flash MX, discloses/teaches every limitation of Claim 22.

Admission also discloses:

- *buffering the Flash® media segment prior to completion of playback of a previous media segment* (see Specification - Page 1, Line 18 through Page 2, Line 3; and Page 2, Lines 16-23 → Admission discloses this limitation in that it teaches a playlist of various media segments, including Flash movies, and prerolling a

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subsequent media segment, including a Flash movie, while a “current” media segment is playing. Admission expressly teaches the continuous and unprompted nature of Flash movies renders the playlist “ineffective” because the Flash movie begins playing after it is loaded. Thus, Admission teaches prerolling the Flash movie.).

Admission, in view of Flash MX, fails to expressly disclose/teach:

- *receiving an end of buffering event from the control when the Flash® media segment has finished buffering; and*
- *playing the Flash® media segment when the previous media segment completes playback.*

Harrington #1 teaches:

- *receiving an end of buffering event from the control when the Flash® media segment has finished buffering (see Page 1, Paragraph 0002; see Page 7, Paragraph 0007 → Harrington teaches this limitation in that the system prefetches a Flash movie for later playback and does not immediately playback the prefetched Flash movie); and*
- *playing the Flash® media segment when the previous media segment completes playback (see Page 1, Paragraph 0002; see Page 7, Paragraph 0007 → Harrington teaches this limitation in that the system prefetches a Flash movie for*

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later playback and does not immediately playback the prefetched Flash movie), for the purpose of controlling a Flash movie (see Page 1, Paragraph 0002).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Admission, in view of Flash MX, to include:

- *receiving an end of buffering event from the control when the Flash® media segment has finished buffering; and*
- *playing the Flash® media segment when the previous media segment completes playback, for the purpose of controlling a Flash movie, as taught in Harrington #1.*

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is (571)272-4089. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/James H. Blackwell/  
10/01/2009

/DOUG HUTTON/  
Supervisory Patent Examiner, Art Unit 2176